

September 6, 2006

We concur: Doi Todd, J.
Ashmann-Gerst, J.

September 6, 2006 (Continued)

DIVISION TWO (Continued)

B187883 Castaldi (Not for Publication)
v.
Gunnell

The orders of the trial court are reversed. On remand, after notice to all parties, the trial court shall conduct a de novo review of the evidence using the clear and convincing standard of proof. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

B182244 Kenari, et al. (Not for Publication)
v.
Aladadyan, et al.

The January 21, 2005, order of the trial court is affirmed and modified as set forth herein. The March 24, 2005, order is affirmed. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION THREE

B189492 People (Not for Publication)
v.
Luna

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B179288 People (Not for Publication)
v.
Aguilar, et al.

As to Salazar, the judgment is ordered modified to reflect a term of 15 years to life in state prison with respect to count one and to strike the parole revocation fine. As to Ramirez, the judgment is ordered modified to reflect a term of 45 years to life in state prison with respect to count one, plus one year for the personal use of a deadly weapon within the meaning of section 12022, subdivision (b)(1), and to strike the parole revocation fine. In all other respects, the judgments are affirmed. The clerk of the superior court shall prepare and forward to the Department of Corrections amended abstracts of judgment reflecting these modifications.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B187813 Los Angeles County, D.C.S. (Not for Publication)
v.
Tracie P.

The adjudication and disposition orders are affirmed. The matter is remanded to the juvenile court with directions to direct the Department to provide proper notice of the proceedings under the ICWA to each of the relevant tribes and to the BIA. Once the juvenile court determines that notice is completed under the ICWA, the court shall determine whether the ICWA applies to this case. If, after proper notice under the ICWA, T. is determined to be an Indian child and the ICWA applies to these proceedings, Tracie is then entitled to petition to the juvenile court to invalidate orders which violated title 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C. 1914; Cal. Rules of Court, rule 1439 (n); *In re Brooke C.* *supra*, 127 Cal.App.4th 377.)

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B189085 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Denise P.

The orders are affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B178547 People (Not for Publication)
 v.
 Donald Ray S.

The juvenile court's order is modified to reflect a maximum term of confinement of seven years. The matter is remanded to the juvenile court for an express determination of whether the assault alleged in count 2 is a felony or misdemeanor. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B187399 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Julie S.

The orders are affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B185187 Haycock
 v.
 McMullen

Filed order denying petition for rehearing.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B191724 DCFS v. Christopher J.
B192423 People v. Johnson
B183439 People v. Richard C.
B187186 People v. Sandoval
B189062 People v. Ramirez

Argument waived, cause submitted.

B184905 Andrew Sherman
 v.
 Mutual Service Casualty Insurance Co.

Merits:

Argued by Brian Panish for appellants and by Rosemarie Lewis for respondents. Cause submitted.

B184525 The Ebensteiner Company, Inc.
 v.
 The Chadmar Group

Merits:

Argued by Gordon Zuderweig for appellant and by Tim McDonnell for respondent. Cause submitted.

DIVISION FIVE (Continued)

B184145 AmerUs Life Insurance Company
 v.
 Bank of America

Merits:

Argued by Michael Vaughan for appellant and by Robert Fisher for respondent. Cause submitted.

B183942 Paula Nelson
 v.
 American Home Products

Merits:

Argued by Peter Holt for appellant and by Katherine Armstrong for respondent. Cause submitted.

B184034 County of Los Angeles et al
 v.
 California Regional Water Quality Board et al

Merits:

Argued by Howard Gest, Richard Montevideo, Amy Morgan and Mitchell Abbott for appellants and by David Beckman and Jennifer Novak, Deputy Attorney General, for respondents. Cause submitted.

Court recessed at 11:30 a.m.

Court reconvened at 11:35 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B189312 DCFS v. Jorge R.
B190396 DCFS v. Erica S.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B184124 People
 v.
 Juan Sanchez

Merits:
Argued by Kevin Sheehy for appellant and by Robert Katz, Deputy Attorney General, for respondent. Cause submitted.

B185510 Kathy Spencer
 v.
 County of Los Angeles

Merits:
Argued by John Gaule for appellant and by Ali Sabouri, Deputy County Counsel, for respondent. Cause submitted.

B176959 Annamarie Reynaud
 v.
 Alberta Rollins

Merits:
Argued by Bradley Tubin for appellant and by Paul Hittelman for respondent. Cause submitted.

B186382 Dakota Carroll
 v.
 Princess Cruise Lines, Ltd.

Merits:
Argued by Todd Macaluso for appellants and by Gerald Gorman and Anita Eilert for respondent. Cause submitted.

Court recessed at 1:00 p.m.

Court reconvened at 1:05 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

September 6, 2006 (Continued)

DIVISION FIVE (Continued)

Each of the following:

B186176	People v. Brian E.
B184999	Colmenar v. Colmenar

Argument waived, cause submitted

B183186 Paul Ottosi
v.
Robert Berry

Merits:
Argued by Peter Huxster for appellant and by Harry Chamberlain for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B188927 People (Not for Publication)
v.
Dzukola

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B188939 People (Not for Publication)
v.
Calvin

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B189490 People (Not for Publication)
v.
Parks

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B180009 People (Not for Publication)
v.
Lewis

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B177486 Ogata et al., (Not for Publication)
 v.
 J.G. Construction Co., et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

B184210 People (Not for Publication)
 v.
 Ashley L.,

Probation condition 16 is modified to read, "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed." Probation condition 21 is modified to read, "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places where persons known to you to be users congregate." As modified the juvenile court's order is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B187191 People (Not for Publication)
 v.
 Benitez

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION EIGHT

B188500 In re N.M. et al., (Not for Publication)
Los Angeles County, D.C.S.
v.
Theresa M. et al.,

The judgment terminating parental rights is reversed. The case is remanded to the juvenile court with directions to order compliance by the Department with the notice provisions of ICWA. If, after proper notice, the children are determined to be Indian children, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, the children are not determined to be Indian children, the judgment terminating parental rights shall be reinstated.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B183360 People (Not for Publication)
v.
Monisha L.,

Probation condition No. 15 is modified to read: "Do not associate with anyone you know to be disapproved of by your parents or probation officer." Probation condition No. 21 is modified to read: "Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from places known to you to be places where users congregate." As so modified, the orders of the juvenile court are affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

September 6, 2006 (Continued)

DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B187582 In re Camila R. et al (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 Maria R.,

The orders appealed from are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.